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19 FORTIS INSURANCE COMPANY

20 UNITED STATES DISTRICT COURT
21 FOR THE NORTHERN DISTRICT OF CALIFORNIA
22 OAKLAND DIVISION

23 AMANDA FORREST,
24 Plaintiff,

25 vs.

26 FORTIS INSURANCE COMPANY;
27 and DOES 1 through 25, inclusive,
28 Defendant.

No. 3:04-CV-05085 (CW)

**ORDER GRANTING JOINT
STIPULATION AMENDING
PRETRIAL DATES TO ALLOW FOR
EARLY A.D.R.**

[Fed. R. Civ. Proc. 26(A)(1)]

RECITALS

1 1. The parties to this action are seeking a 60-day continuance of certain pretrial
2 dates, as set forth below, for the purpose of engaging in early A.D.R.

3 2. This action was filed on November 2, 2004, and was timely removed by
4 defendant Fortis Insurance Company ("FIC").

5 3. The initial Case Management Conference ("CMC") in this matter was held
6 on April 8, 2005. At the CMC, the parties stipulated to various pretrial dates, which were
7 incorporated into the Court's Civil Minutes (copy attached as Exh. A).

8 4. Specifically, the parties agreed that this case presents a threshold legal issue
9 of proper interpretation of the insurance policy issued by FIC to Plaintiff, and that early
10 resolution of this issue would materially advance this litigation. The parties proposed to
11 present this issue to the Court by cross-motions for summary judgment. At the CMC, the
12 Court agreed and set the following schedule:

- 13 • Defendant's opening brief to be filed by July 1, 2005
- 14 • Plaintiff's opposition and cross-motion to be filed by July 15, 2005
- 15 • Defendant's reply/opposition to be filed by July 22, 2005
- 16 • Plaintiff's surreply to be filed by July 29, 2005
- 17 • Hearing and further CMC to be held August 12, 2005, at 10:00 a.m.

18 (See attached Civil Minutes, Ex. A). The Court also set a mediation completion deadline
19 of September 30, 2005, in the event that the action is not resolved in its entirety by the
20 cross-motions.

21 4. Since the April 8, 2005 CMC, the parties have engaged in preliminary
22 settlement discussions, which have included a demand by plaintiff made at FIC's request.
23 Although much remains to be done, the parties have decided that it would potentially be
24 fruitful to engage in formal ADR before litigating the issue(s) to be presented by the
25 scheduled cross-motions – a suggestion which, indeed, the Court had made sua sponte at
26 the April 8, 2005 CMC.
27

5. The parties are currently in the process of arranging a formal mediation session. Because of the schedules of the parties' representatives, counsel, and particularly the very full schedules of the neutrals whom the parties are considering, it will not be possible for the parties to complete the ADR process before the various briefs on the cross-motions for summary judgment will be due under the present schedule.

6. In order to permit the parties to focus their attention on a negotiated resolution of this action without incurring additional pretrial expense that might prove needless, the parties have stipulated to a 60-day continuance of the briefing on the cross-motions, as recited below. The parties agree that no party will be prejudiced by the requested continuance of these dates, and that the additional time may facilitate potential resolution of disputed issues.

STIPULATION

NOW THEREFORE, it is agreed that:

1. Defendant's deadline to file its opening brief on summary judgment is extended from July 1, 2005 to September 1, 2005.

2. Plaintiff's deadline to file her opposition and cross-motion is extended from July 15, 2005 to September 15, 2005.

3. Defendant's deadline to file its reply/opposition is extended from July 22, 2005 to September 22, 2005.

4. Plaintiff's deadline to file its surreply is extended from July 29, 2005 to September 29, 2005.

5. The date of hearing on the cross-motions and further CMC shall be continued from August 12, 2005 to October 12, 2005, or to the earliest subsequent date that the Court is available to hear the matter and conduct the CMC.

Respectfully submitted:

1 Dated: June 13, 2005

BRYDON HUGO & PARKER

2
3 By: s/ Robert W. Farrell
Robert W. Farrell
Attorneys for Plaintiff AMANDA FORREST

4
5 *Filer's Attestation: Pursuant to General Order No. 45, Section X(B) regarding signatures,*
6 *Andrew H. Struve hereby attests that concurrence in the filing of this document has been*
7 *obtained.*

8 Dated: June 13, 2005

MANATT, PHELPS & PHILLIPS, LLP

9 By: s/ Andrew H. Struve
Andrew H. Struve
Attorneys for Defendant FORTIS INS. CO.

10 **ORDER**

11 Based upon the representations of counsel and the stipulation of the parties, **IT IS**
12 **HEREBY ORDERED** that:

- 13 1. Defendant's deadline to file its opening brief on summary judgment is
14 extended from July 1, 2005 to September 1, 2005.
- 15 2. Plaintiff's deadline to file her opposition and cross-motion is extended from
16 July 15, 2005 to September 15, 2005.
- 17 3. Defendant's deadline to file its reply/opposition is extended from July 22,
18 2005 to September 22, 2005.
- 19 4. Plaintiff's deadline to file her surreply is extended from July 29, 2005 to
20 September 29, 2005.
- 21 5. The date of hearing on the cross-motions and further CMC shall be
22 continued from August 12, 2005, at 10:00 a.m. to **October 14, 2005, at 10:00 a.m.**

23
24 Dated: June 17, 2005

/s/ CLAUDIA WILKEN

25
26 UNITED STATES DISTRICT JUDGE

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